

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION 8421 OF 2022

Chandrakant Govind Dhahale

...Petitioner

vs.

Vinod Vishanji Dharod & Ors.

...Respondents

Ms.Anusha P. Amin for Petitioner.

CORAM : ROHIT B. DEO, J.

DATED : 15 JULY 2022

PC. :

1. The Petitioner is the defendant who produced certain documents vide list at Exhibit 34 on 15.12.2017 in Regular Civil Suit 560/2016.

2. I have perused the evidence adduced by the defendant.

3. It is indubitable that the documents at Serial 2 to 5 at list Exhibit 34 are not proved by the defendant.

4. Despite this position, the defendant preferred application, Exhibit 49, with a rather unusual request which was to exhibit the documents. The said application was rightly rejected by the learned trial Judge. The defendant tried his luck by preferring Writ Petition 5272/2019 which he withdrew with liberty to file fresh application.

5. According to the defendant, it was pursuant to the liberty granted by this Court that he preferred application, Exhibit 55, reiterating

the request that documents at Serial 2 to 5 be exhibited.

6. The learned trial judge has held that the documents at Serial 2 to 5 at Exhibit 34 are not proved.

7. The documents are not admitted by the plaintiff. The defendant did not invite the attention of the plaintiff to the documents while cross-examining the plaintiff nor did the defendant otherwise make any attempt to prove the documents in his evidence.

8. Thus, I see no error in the view taken by the learned trial Judge.

9. The petition is dismissed.

(ROHIT B. DEO, J.)